

## **REMARKS**

Claims 1, 3, and 7 have been amended. Claims 2, 4-6, 8, 10-21 are either in original form or as previously presented. Claim 9 has been cancelled without prejudice or disclaimer. New claims 22-24 have been added. Reconsideration of the pending claims in view the above Amendments and following Remarks is respectfully requested.

Appreciation is extended to Examiners Nichols and Shaver for the time spent during the interview on October 19, 2009 in which Claims 1, 3, 13, and 17 were briefly discussed. No agreement was reached relating to an allowance of the claims, however, a summary of the details of the discussion regarding the above claims are reflected in the Remarks below for each of the respective claims.

## **CLAIM OBJECTIONS**

The Office Action stated that claims 1, 3, and 7 were objected to because of misspellings of the terms perimetral and perimetrically. Claims 1 and 3 have been amended only to correct the misspellings and not for any substantive reason that would change the scope of the search already undertaken by the Office, while Claim 7 has been amended both substantively and to overcome the said objections. Accordingly, a notice that the amendments to claims 1, 3, and 7 obviate the objections is respectfully requested.

### **CLAIM REJECTIONS UNDER 35 USC § 112**

Claims 3-6 and 17-20 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner has rejected Claim 3, stating that in line 7 recites "the bore a shoulder" and is unclear to the Office as to what Applicant is claiming, rendering the claim indefinite. Applicant respectfully submits that the amendment of Claim 3 obviates this ground of rejection and a notice to that effect is respectfully requested. Applicant's representative further states that Claim 3 has been amended only to further clarify the understanding of Claim 3 as can be appreciated when looking at FIG. 4 in combination with paragraph 0013 of the publication without the amendment, and as a result, the amendment was not for any substantive reason that would change the scope of the search already undertaken by the Office.

### **CLAIM REJECTIONS UNDER 35 USC § 102**

The Office Action stated that Claims 1-5, 7, 9, 10, 12-14, 16-18, 20, and 21 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 2,702,220 to Johnson (hereinafter "Johnson").

Claims 1 and 3 feature, *inter alia*, a perimetral lip being of tapering thickness tapering from its thickest part at a location nearest the back surface forwardly to a thin termination at a juncture of the face and perimetral surfaces, as well as an annular disc positioned in an annular recess section. Johnson fails to anticipate independent claim 1 as "[a] claim is anticipated only if each and every element as set forth in the claim is found." *Verdegaal Bros. v. Union Oil Co.*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

First, Applicant's representative can find no teaching or suggestion in Johnson of a perimetral lip of a tapering thickness, tapering from its thickest part at a location nearest the back surface forwardly to a thin termination at a juncture of the face and perimetral surfaces as featured in Claims 1 and 3. The Office Action relies on a ring 6 of a packing cup 2 as being the perimetral lip, but when looking at the drawings and specification, it appears to be void of any tapering thickness with a thickest part at a location near the back surface and thin termination at a juncture of the face and perimetral surface. The Office Action refers to the face as having a nose 7, therefore the back surface must be at the opposite end in FIG. 2. When looking at FIG. 2, unlike the features of Claims 1 and 3, the face of the lip 6 in Johnson appears to be thicker than the portion of the lip nearest the back portion. Moreover, the lip 6 of Johnson does not terminate at Johnson nose 7 as featured in Claims 1 and 3.

Second, Applicant's representative can find no teaching or suggestion in Johnson of an annular disc positioned in an annular recess section as featured in Claims 1 and 3. The Office Action relies on a metallic cup 15 in Johnson for the teaching of an annular disc. See Office Action page 3. However, the Johnson cup 15 neither by its specification nor when looking at the figures shows or teaches a annular disc. Dictionary.com (attached as Exhibit A) defines a disc as "any thin, flat, circular plate or object." Another accepted definition of disc is an object "whose length is small compared with its diameter." See attached Exhibit B. Clearly, the Johnson cup 15 does not fit the definitions of a disc and as featured in Claims 1 and 3. Just looking at Johnson FIG. 1, the cup 15 does not have a length that is small compared to its diameter, nor it is a thin flat circular plate known to be the definition of a disc. During

the interview, Applicant's representative believes that Office acknowledge that there was a difference between the Johnson cup and the disc featured in Claims 1 and 3.

For at least the reasons stated above, Johnson fails to anticipate Claims 1 and 3. Accordingly, Claims 1 and 3 are in condition for allowance and a notice to that effect is respectfully requested.

Claims 2, 4-6, and 13-20 depend either directly or indirectly from Claim 1 or Claim 3 and are allowable for the reasons stated above with respect to Claims 1 and 3 and because of their own distinctive features. For example, Johnson fails to teach or suggest a disc that includes an outwardly tapering thickness such that the disc is thickest at its perimeter as featured in claims 13 and 17. The Johnson cup appears to be of uniform thickness when looking a Johnson FIG. 1. Accordingly, Claims 2, 4-6, and 13-20 are in condition for allowance and a notice to that effect is respectfully requested.

Amended Claim 7 features, *inter alia*, a body and a washer being connected together, the height of the washer being relatively small compared to the washer's diameter, and the washer further comprises an outwardly tapering thickness such that said washer is thickest at its perimeter. In reviewing the figures and specification of claim 7, it is clear that the washer 87 is connected to the body 70 by fasteners 88. Nowhere can Applicant's representative find any teaching or suggestion in Johnson of the purported cup 15 being attached a body when looking at either the figures or specification. In addition, a review of FIG. 1 in Johnson clearly shows that the diameter of the cup 15 is not relatively smaller than the cup's overall diameter and the Johnson cup appears to be of uniform thickness when looking a Johnson FIG. 1 and not a

washer of variable thickness or having a thickest point at the perimeter as featured in Claim 7. Accordingly, Claim 7 is in condition for allowance and a notice to that effect is respectfully requested.

Claims 8, 10-12, and 21 depend either directly or indirectly from Claim 7 and are allowable for the reasons stated above with respect to Claim 7 and because of their own distinctive features. Accordingly, Claims 8, 10-12, and 21 are in condition for allowance and a notice to that effect is respectfully requested.

The Office Action stated that Claims 7 and 8 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 3,102,455 to Breitenstein (hereinafter "Breitenstein").

As stated above, amended Claim 7 features, *inter alia*, a camming washer that includes an outwardly tapering thickness such that said washer is thickest at its perimeter and a recess being tapered and spaced axially from the face of the body and increasing in depth as the recess extends to a perimeter of said body. In reviewing Breitenstein, Applicant's representative could find no teaching or suggestion of either of the above features of amended Claim 7.

Accordingly, Claim 7 is in condition for allowance and a notice to that effect is respectfully requested.

Claim 8 depends either directly or indirectly from Claim 7 and is allowable for the reasons stated above with respect to Claim 7 and because of its own distinctive features. Accordingly, Claims 8 is in condition for allowance and a notice to that effect is respectfully requested.

### CLAIM REJECTIONS UNDER 35 USC § 103

The Office Action stated that Claim 6 stands rejected under 35 USC § 103(a) as being unpatentable over Johnson.

Claim 6 depends indirectly from claim 3 and is allowable for the reasons stated with respect to claim 3 and because of its own distinctive features. See *In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988) (stating that if an independent claim is nonobvious, then any claim depending therefrom is nonobvious). Accordingly, claim 6 is in condition for allowance and a notice to that effect is respectfully requested.

The Office Action stated that Claims 11, 15, and 19 stand rejected under 35 USC § 103(a) as being unpatentable over Johnson in view of U.S. Patent Publication No. 2003/0010202 to Norheim.

Claims 11, 15, and 19 depend either directly or indirectly from Claims 7, 1, and 3, respectively and are allowable for the reasons stated above with respect to Claims 7, 1, and 3, and because of their own distinctive features. Accordingly, a notice that Claims 11, 15, and 19 are in condition for allowance is respectfully requested.

New claims 22-24 have been added and are believed to be in condition for allowance. A notice that new claims 22-24 are in condition for allowance is respectfully requested.

### CONCLUSION

All claims are believed to be in condition for allowance and prompt issuance of a Notice of Allowance is respectfully requested. If any fees are determined to be due in connection with filing this Amendment or any other paper filed during prosecution of this

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10/578,079

application, the Commissioner is authorized to charge any such fees to deposit account no. 20-0090. If any extension of time is required in connection with filing this Amendment or any other paper filed during prosecution of this application, such an extension of time is petitioned for and hereby respectfully requested.

Respectfully submitted,

Dated: October 19, 2009

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## EXHIBIT A



Dictionary

Thesaurus

Encyclopedia

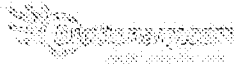
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disc ⓘ [disk] ⓘ Show IPA

Use **disc** in a Sentence—*noun*

1. a phonograph record.
2. *disk* (defs. 1, 2, 4–9).

—*verb* (used with *object*)

3. *Informal*. to make (a recording) on a phonograph disc.
4. *disk* (defs. 11, 12).

Also, **disk** (for defs. 1, 3).

Origin:

see *DISK***DISC** Personality Profile

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**DISC**

OnlineDiscPersonalityProfile.com

DiscUnlimited.com

Disc Assessments &amp; Service HR, Coaches, and Facilitator

www.DiscUnlimited.com

disc-

var. of *DISCO-* before a vowel.

disc.

1. *DISCOUNT*.
2. *discovered*.

disco-

1. a combining form representing *disk* or *disc* in compound words; *discifloral*.
2. a combining form meaning "phonograph record", used in the formation of compound words; *discography*.

Also, **disci-**; especially before a vowel, **disc-**.—*noun*

1. any thin, flat, circular plate or object.
2. any surface that is flat and round, or seemingly so: *the disk of the sun*.
3. *DISC* (def. 1).
4. *magnetic disk; floppy disk; optical disk*.
5. *Botany. Zoology*. any of various roundish, flat structures or

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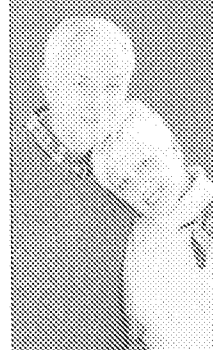
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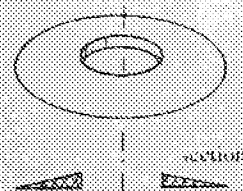
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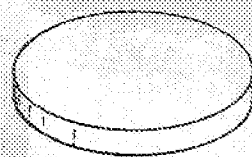


## EXHIBIT B

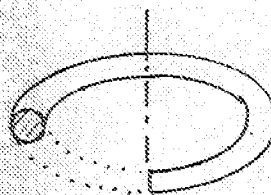
**Quoit; Quoit-shaped:** A flat, centrally-bored, right circular cone. (This word is borrowed from the game called "quoits" and is not a formal mathematical word for this shape.)



**Disc (Disk):** A right circular cylinder whose length is small compared with its diameter.



**Torus:** A ring-like body generated by rotating a circle about a fixed line external to the circle.



**Toroid:** A ring-like body generated by rotating any closed loop (like an ellipse, circle, irregular curve) about a fixed line external to the loop.

